

Message Text

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ACTION ARA-20

INFO OCT-01 IO-13 ADP-00 OIC-04 CIAE-00 INR-10 NSAE-00

RSC-01 PA-03 PRS-01 USIE-00 SS-15 NSC-10 L-03 INRE-00

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 7303

INFO USMISSION GENEVA PRIORITY

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AMEMBASSY PANAMA PRIORITY

C O N F I D E N T I A L MEXICO 5751

EO 11652: GDS

TAGS: PARM/XM/PN

SUBJ: OPANAL: TREATMENT OF PANAMA CANAL ISSUE

REF: MEXICO 5716

1. DEPUTY SECRETARY GENERAL OF OPANAL, ANTONIO GONZALEZ DE LEON, REQUESTED URGENT MEETING WITH EMBOFF'S AFTERNOON OF AUGUST 3 TO INFORM THEM OF RESULTS OF THAT DAY'S SESSION OF THE DIRECTIVE COUNCIL OF OPANAL.

2. COUNCIL HAD CONSIDERED NOTE SUBMITTED JUNE 7 BY PANAMANIAN FOREIGN MINISTER TACK (SEPTTEL). TACK'S NOTE CONSTITUTES PANAMANIAN COMPLIANCE OF TLATELOLCO ARTICLE 14 REQUIREMENT FOR NEGATIVE REPORT ON ACTIVITY PROHIBITED UNDER TREATY. NOTE ALSO STATES THAT SINCE GOP UNABLE TO CARRY OUT NECESSARY INSPECTION CONCERNING NUCLEAR ACTIVITIES WHICH USG MIGHT CONDUCT IN PANAMA CANAL ZONE, IT WOULD BE USEFUL FOR OPANAL TO INSURE THAT TREATY OF TLATELOLCO IS NOT BEING VIOLATED THEREIN.

3. AFTER AUGUST 3 DSLIBERATIONS, COUNCIL PASSED RESOLUTION (TEXT SEPTTEL) REQUESTING THAT SECRETARY GENERAL
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TAKE MEASURES WHICH HE CONSIDERS APPROPRIATE TO COORDINATE

WITH USG A RESPONSE TO GOP'S REQUEST.

4. IN KEEPING WITH RESOLUTION, SECRETARY GENERAL GROS ESPIELL HAS DECIDED TO REQUEST EARLIEST POSSIBLE MEETING BETWEEN DEPUTY SYG GONZALEZ DE LEON AND APPROPRIATE USG OFFICIALS TO DISCUSS THIS ISSUE. URGENCY IS DICTATED BY DESIRE TO REPORT RESULTS BACK TO OPANAL COUNCIL PRIOR TO AUGUST 21 CONVENING OF GENERAL CONFERENCE.

5. IN GENERAL DISCUSSION, GONZALEZ DE LSON ADMITTED THAT RAISING THIS ISSUE BEGS ENTIRE QUESTION OF SOVEREIGNTY AND US CONTROL UNDER THE HAY-BUNAU VARILLA TREATY. HE FURTHER CONCEDED THAT MAXIMUM RESULT OF USG DECISION NOT TO RESPOND OR TO REPLY IN A NEGATIVE MANNER WOULD BE HEATED ORATORY AND POSSIBLE PASSAGE OF AN ANTI-USG OPANAL RESOLUTION DURING GENERAL CONFERENCE WHICH, REGARDLESS OF POLITICAL IMPORTANCE AND CONTENT, WOULD HAVE NO LEGALLY ENFORCEABLE CONTENT. HE MUSED ABOUT POSSIBILITY THAT USG REACTION CONCEIVABLY MIGHT HAVE RAMIFICATIONS BEYOND CANAL ISSUE -- SPECIFICALLY IN RELATION TO GUANTANAMO BAY (SEPTEL).

6. COMMENT: EMBOFF'S TOLD GONZALEZ DE LEON THAT QUESTION OF WHETHER OR NOT USG COULD OR WOULD RESPOND WAS A VERY COMPLICATED LEGAL AND POLITICAL QUESTION. EMBASSY COULD NOT MAKE ANY COMMITMENT OTHER THAN TO TRANSMIT REQUEST FOR WASHINGTON DISCUSSIONS.

7. ARTICLE 14 REQUIRES SEMI-ANNUAL REPORTS. FACT THAT PANAMANIAN'S NOTE COVERS PERIOD FROM JUNE 71 THROUGH JUNE 73 INDICATES THAT THIS IS QUITE POSSIBLY A TACTIC DESIGNED MORE TO BRING OUT ISSUE OF CANAL SOVEREIGNTY THAN TO COMPLY WITH PANAMA'S OPANAL OBLIGATIONS. INSPIRATION FOR SUCH TACTIC IS OPEN TO QUESTION, BUT EMBASSY NOTES THAT OPANAL SECRETARY GENERAL GROS ESPIELL'S NOTE TO WHICH TACK RESPONDED WAS DATEF MAY 17 - CONTEMPORANEOUS WITH MEETING OF UNSC IN PANAMA.

8. ACTION REQUESTED: EMBASSY REQUESTS EARLIEST POSSIBLE NOTIFICATION CONCERNING RECEPTIVITY TO SUGGESTED WASHINGTON CONFIDENTIAL

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MEETINGS WITH GONZALEZ DE LEON. CONSIDERING OUR ADHERENCE TO PROTOCOL II AND RECENT POSITIVE GAINS BY OPANAL (NAMELY FRENCH AND CHINESE ADHERENCE TO TREATY OF TLATELOLCO), WE PERCEIVE OF A POLITICAL ADVANTAGE IN COOPERATING INSOFAR AS POSSIBLE WITH OPANAL SECRETARIAT. WE WOULD NOT WANT UNDULY TO DETRACT GENERAL CONFERENCE ATTENTION FROM ITEMS SUCH AS SOVIET RECALCITRANCE IN NOT JOINING OTHER NUCLEAR POWERS IN ADHERING TO PROTOCOL II.

HENCE, DESPITE LEGAL AND POLITICAL DILEMMA THIS ISSUE
RAISES, EMBASSY RECOMMENDS THAT APPROPRIATE APPOINTMENTS
BE SET UP FOR GONZALEZ DE LEON.
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